

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

April 28, 2004
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Wendy Feldman-Kerr, Queen Creek, Chair	Supervisor Max W. Wilson, Maricopa County
Mayor Keno Hawker, Mesa, Vice Chair	* Mayor Edward Lowry, Paradise Valley
Mayor Douglas Coleman, Apache Junction	Vice Mayor Bob Barrett for
* Mayor Ron Drake, Avondale	Mayor John Keegan, Peoria
* Mayor Dusty Hull, Buckeye	Mayor Phil Gordon, Phoenix
Mayor Edward Morgan, Carefree	* President Joni Ramos, Salt River
* Vice Mayor Ralph Mozilo, Cave Creek	Pima-Maricopa Indian Community
* Mayor Boyd Dunn, Chandler	* Mayor Mary Manross, Scottsdale
* Mayor Robert Robles, El Mirage	Mayor Joan Shafer, Surprise
* Mayor Wally Nichols, Fountain Hills	* Mayor Neil Giuliano, Tempe
+ Mayor Chris Riggs, Gila Bend	* Mayor Adolfo Gamez, Tolleson
* Governor Richard Narcia, Gila River Indian Community	+ Mayor Lon McDermott, Wickenburg
Mayor Steven Berman, Gilbert	* Mayor Bryan Hackbarth, Youngtown
Mayor Elaine Scruggs, Glendale	+ Rusty Gant, ADOT
Mayor James Cavanaugh, Goodyear	Joe Lane, ADOT
Mayor Vinicio Alvarez, Guadalupe	F. Rockne Arnett, Citizens Transportation Oversight Committee
Mayor J. Woodfin Thomas, Litchfield Park	

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. **Call to Order**

The meeting of the Regional Council was called to order by Regional Council Chair Wendy Feldman-Kerr at 5:08 p.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Chair Feldman-Kerr announced that Mayor Chris Riggs, Mayor Lon McDermott and Rusty Gant were participating via videoconference. Mayor McDermott introduced Wickenburg Mayor-elect Ron Badowski. Chair Feldman-Kerr introduced Vice Mayor Bob Barrett as proxy for Mayor John Keegan.

Chair Feldman-Kerr stated that the RPTA has provided transit tickets for those who used transit to come to the meeting. She stated that garage parking validation was available from staff. Chair Feldman-Kerr noted that materials for agenda items #5B and #5C, #7, #8, and #10 were at each place.

3. Call to the Audience

Chair Feldman-Kerr noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Feldman-Kerr recognized public comment from Diane Barker, who stated that she had submitted a public records request to MAG staff for followup on the letter from Tempe Councilmember Ben Arredondo requesting that the TPC consider providing free public transit to youth attending school. She said that she thought there was insufficient notice to the public on the public hearing on the Annual Report on the Regional Freeway Program. Ms. Barker suggested that light rail be a rubberized trolley, which would cost half as much as fixed rail. She expressed concern with particulate pollution. Chair Feldman-Kerr thanked Ms. Barker for her comments.

Chair Feldman-Kerr recognized public comment from Joseph Ryan, who stated that he brought copies of his statement. The statement was entered into the permanent record. Mr. Ryan complained that the March 24, 2004 minutes was an inaccurate and incomplete representation of his testimony. Mr. Ryan commented that the light rail project will increase traffic congestion and carbon monoxide. He requested that the Regional Council address the items in his statement on the next agenda. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

Chair Feldman-Kerr recognized public comment from William C. "Blue" Crowley, who encouraged voting "no" on the half-cent sales tax election. Mr. Crowley stated that per federal regulations, pedestrian, bicycle and transit modes need to be considered during the design of road projects. He commented that transit was not considered during the redesign of Grand Avenue, when the bus stops were eliminated. Mr. Crowley stated that a one-cent sales tax extension would have been a better plan than a half-cent sales tax. He stated that the election will fail in November because the Plan is not regional. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

4. Executive Director's Report

Dennis Smith reported on the overall funding level for TEA-LU/SAFETEA. He said that unless Congress enacts a third extension by April 30th, states face the cutoff of federal funds. Mr. Smith indicated that the focus is on a short-term extension to keep programs running.

Mr. Smith stated that MAG staff are working with the National Association of Regional Councils and the Congressional Delegation to add the particulate pollutant PM-10 to the CMAQ allocation formula. He added that if PM-10 is not included, Arizona will not be allocated federal air quality funding for its most serious air pollution problem. Mr. Smith reported that Congressman Shadegg offered an amendment to include PM-10 in the formula on the House Floor, but it was withdrawn after two key Congressmen agreed to revisit the language in the Conference Committee. He noted the possibility that Senator McCain may be sitting on the Conference Committee. Mr. Smith stated that Congressman Hayworth sent a letter of support that was also signed by the states of California, Nevada, Utah and Washington. In addition, the Regional Council chair sent a letter to Senator Jon Kyl requesting assistance in adding PM-10 to the CMAQ allocation formula.

Mr. Smith stated that on April 15th, EPA notified states on the new eight-hour ozone nonattainment boundaries. EPA officials indicated the boundary will include the urbanized areas of Maricopa County, Apache Junction and parts of Pinal County.

Mr. Smith updated the Council on the MAG Compensation Study. He stated that a staff member of Peoria and a staff member of Mesa have participated in an advisory role in the development of the study. He reported that the consultant was able to benchmark 35 positions and six positions were found to be below market. It would take \$318,000 to bring every position to mid-point and \$11,998 to bring all positions to the minimum.

Mr. Smith stated that 35 nominations have been received for Desert Peaks Awards that will be held June 23, 2004. He stated that eight judges will meet on May 19, 2004. The judging panel includes Tom Ambrose, Senior Vice President of the Phoenix Suns; Anna Maria Chavez, Director of Intergovernmental Affairs at the Governor's Office; Dr. Larry Christiansen, President of Mesa Community College; Lattie Coor, Chairman and CEO of the Center for the Future of Arizona; James Creedon, retired Brigadier General; Sandra Hicks, Executive Director of the Challenger Space Center; Joel Nilsson, Editorial Board of The Arizona Republic; and Mary Jo Waits, Associate Director of the Morrison Institute. Mr. Smith stated that \$8,500 in sponsorships have been received from Arizona Public Service, Salt River Project, Associated General Contractors, Mariscal Weeks, The Arizona Republic, the Bank of America, Kimley Horn & Associates, Blue Cross/Blue Shield of Arizona, and the e group. Mr. Smith stated that a special award, the Summit Award, will be presented for the Regional Transportation Plan effort.

Mr. Smith introduced new MAG staff. Tracy Graves, Assistant Accountant, replaced an employee who relocated. Ms. Graves previously worked as a bookkeeper, property manager and as a Supervisory Accounting Technician for Defense Finance Accounting Service at Cannon Air Force Base in New Mexico. Mr. Smith introduced Amy St. Peter, Human Services Planner, who will be working on homeless and domestic violence issues. Ms. St. Peter graduated from Loyola College with a Bachelor's

degree in sociology and writing and is currently working on her MPA at ASU. She previously worked as a Community Relations Director for Labor's Community Service Agency, and a Case Manager for Central Arizona Shelter Service. Chair Feldman-Kerr thanked Mr. Smith for his report.

5. Approval of Consent Agenda

Chair Feldman-Kerr stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the committee can request that an item be removed from the consent agenda and considered individually. Chair Feldman-Kerr stated that agenda items #5A through #5C were on the consent agenda. No requests were received from the Council to hear an item individually.

Chair Feldman-Kerr recognized public comment from Mr. Ryan, who commented on agenda item #5B. Mr. Ryan said that projects should not be done unless done well. He commented that money is limited; maybe we should be asking for more than a one-half cent sales tax. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

Chair Feldman-Kerr recognized public comment from Mr. Crowley, who commented on agenda items #5B and #5C. He said that he wanted clarification of the location of the bridge on 19th Avenue and the Grand Canal and whether a tunnel would also be built to allow continuous travel along the canal. Mr. Crowley commented on concerns expressed for expanding the eight-hour ozone boundary out of Maricopa County. He commented that the CANAMEX route through Wickenburg should be aligned along utility easements rather than the route that passes by schools, shopping and a golf course. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

Mayor Shafer moved to approve consent agenda items #5A, #5B, and #5C. Mayor Hackbarth seconded, and the motion carried unanimously.

5A. Approval of the March 24, 2004 Meeting Minutes

The Regional Council, by consent, approved the March 24, 2004 meeting minutes.

5B. Amendment to the FY 2004-2007 MAG Transportation Improvement Program for ADOT and Phoenix Highway Projects

The Regional Council, by consent, approved an amendment to the 2004-2007 MAG TIP to: make changes to the Rubberized Asphalt (Quiet Pavement) Pilot Program; add a locally funded bridge replacement project in Phoenix with \$2,000,000; and add two Enhancement Funded projects in Phoenix for a combined \$1,000,000. The FY 2004-2007 MAG Transportation Improvement Program (TIP) was approved by the Regional Council on November 25, 2003. Since that time, ADOT and the City of Phoenix have requested changes and additions to projects currently shown in the TIP, which include restructuring the Rubberized Asphalt (Quiet Pavement) Pilot Program; adding a locally funded bridge replacement project in Phoenix in FY 2004; and adding two Enhancement Funded projects in Phoenix in FY 2005. All of the changes are regarded as exempt projects or are regarded as minor project revisions for which no air quality conformity is required and the consultation for this item is considered

as a separate agenda item. The Transportation Review Committee, Management Committee and Transportation Policy Committee recommended approval of a TIP amendment for these projects.

5C. Conformity Consultation

MAG is conducting consultation on a conformity assessment for an amendment to the FY 2004-2007 MAG Transportation Improvement Program. The City of Phoenix is requesting to add a 19th Avenue and Grand Canal bridge replacement project and add two transportation enhancement projects. In addition, the Arizona Department of Transportation is requesting to restructure the Rubberized Asphalt (Quiet Pavement) Pilot Program. These projects are considered as exempt and as minor project revisions. This item was on the agenda for consultation.

6. Annual Report on the MAG Regional Freeway Program

Eric Anderson presented the Annual Report on the status of the MAG Regional Freeway Program. Mr. Anderson stated that the Annual Report was presented at a joint public meeting April 21, 2004 with officials from MAG, the State Transportation Board, and Valley Metro. He stated that this is the 13th year MAG has produced the Report, which is a statutory responsibility and provides oversight of the regional freeway program. Mr. Anderson said that the Program will be completed in 2007, at which time 138 miles of freeway will have opened. He reported on projects being constructed in the past year. Mr. Anderson summarized the revenues from the Regional Area Road Fund and the Highway Users Revenue Fund. He reported that the average cost per freeway mile is approximately \$39 million, which includes design, right-of-way, and construction costs. Mr. Anderson stated that the Regional Freeway Program is in fiscal balance and has met the construction schedules. Mr. Anderson mentioned that if the election for the extension of the half-cent sales tax for transportation is successful, the Life Cycle Program for highways will be extended to other modes, and the responsibilities of the Citizens Transportation Oversight Committee will expand to all modes. He noted that the Report was on the agenda for information and discussion. Chair Feldman-Kerr thanked Mr. Anderson for his presentation. She opened the floor for questions from the Council.

Mayor Thomas asked how a failure of the one-half cent sales tax extension would impact the program. Mr. Anderson replied that the 2007 program in place is independent of the sales tax extension.

Vice Chair Hawker asked if the HURF decrease was offset by the RARF increase. Mr. Anderson replied that they offset each other somewhat. In addition, there is also an allowance for inflation in the cash flow. Mr. Anderson advised that costs have increased about \$2 million, which is well below the rate of inflation. Vice Chair Hawker asked how much freeway right-of-way needed to be acquired. Mr. Anderson replied that approximately \$100-\$125 million in right-of-way was yet to be acquired on the Santan, in addition to some on the Red Mountain; however, most of the acquisitions have been completed. Vice Chair Hawker asked if there was a process in place to accelerate the right-of-way acquisition. Mr. Anderson explained that more than \$100 million in right-of-way was accelerated through the process to complete the freeway program. He added that much of the right-of-way acquired through that process was along the Red Mountain, and a tremendous amount of money was saved. Mr. Anderson stated that even with those acquisitions, costs have escalated because of development in those

freeway corridors. He added that we are aiming at allocating as much right-of-way acquisition money as possible in the next round of the RTP.

Mayor Scruggs asked for clarification of Mr. Anderson's statement that the plan was in balance. She asked if he meant the original plan or the plan after project deletions. Mr. Anderson replied that he was referring to the plan after the project deletions. Mayor Scruggs commented that this meant that there would not have been sufficient funds to complete the original, whole plan. Mr. Anderson replied that was correct.

7. Legislative Update

Tom Remes provided an update on legislative bills of importance to MAG. Mr. Remes reported that HB 2049 stipulates that political subdivision entities are eligible to participate in the Arizona State Retirement System (ASRS) and provides a definition of political subdivision entities. He stated that amendments appropriate approximately \$600,000 from the ASRS administration account for the implementation costs of HB 2029 and HB 2052, upon their enactment into law. Mr. Remes noted that the bill is assigned to Senate Appropriations and Rules. He advised that Appropriations will not meet until the State budget has moved further along. Mr. Remes reported on SB 1341, in which political subdivisions would be required to file an affidavit of sale for real property. He stated that a floor amendment eliminates the exemption of political subdivisions from paying the real estate transfer fee to the county recorder. Mr. Remes stated that the bill has passed the House and Senate and is awaiting a third read. He added that the League of Arizona Cities and Towns requests opposition to this bill. Chair Feldman-Kerr thanked Mr. Remes for his report.

8. Community Vital Signs

Debbra Determan reported on Community Vital Signs, which is a partnership between Valley of the Sun United Way and MAG. Through this partnership, a publication was developed that presents selected health and human services data in an organized format. Ms. Determan reviewed the sections and information contained in the publication, which could assist agencies in their strategic planning. Key visual presentations in the Community Vital Signs are the maps that MAG's Information Services Division has developed. Ms. Determan acknowledged the sponsorships of The Arizona Republic and American Express. She added that quantities of the Community Vital Signs publication were available for distribution to groups. Chair Feldman-Kerr thanked Ms. Determan for her presentation.

Mayor Thomas asked for clarification of the census level used in the maps. Rita Walton explained that most census information is by census tract; however, some maps are developed using concentrations. Ms. Walton said that the concentration maps go down to a one-acre grid followed by averaging the surrounding area. She stated that there are different geographies for different maps. Mayor Thomas asked for clarification of how data per household is determined. Ms. Walton replied that when MAG does projections, staff goes to a one-acre grid and uses the block level data, the smallest census level of geography. Mayor Thomas asked for clarification of using percentages versus numbers. He commented that if you are in a sparsely populated area, you can have a higher concentration on a percentage basis. If you do not have population, it falls off and is not represented. Ms. Walton stated that some maps are shown as a percentage of the particular area, such as some of the minority maps. Some maps are the

total concentration throughout the area, such as the population density map. Mayor Thomas asked how the decision was made to use percentage versus density. Ms. Walton stated that the advisory group made the decision on what is shown. She added that staff could create those maps in different ways if desired.

Chair Feldman-Kerr stated that she attended the Community Vital Signs introductory event at which attendees expressed a desire for opportunities for further discussion. She suggested that perhaps staff might want to facilitate discussion groups.

9. Discussion and Update on the Draft FY 2005 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough briefed the Regional Council on changes that have been made to the budget since the March presentation. The Freeway Traffic Counts project was renamed to the Freeway Network Usage and Performance project, to more accurately reflect the performance-based nature of this project. Ms. Kimbrough stated that the Executive Committee agreed to continue with the Walking and Bicycling in the 21st Century project by partnering with ADOT and RPTA to share the cost of the project. She noted the estimated cost to MAG of \$2,800. Ms. Kimbrough stated that the Transportation Safety Management System project is anticipated to be funded by the State, with management by MAG. She noted that the Information System Strategic Planning-Digital Oasis project was changed from consultant to labor, with the tasks performed in-house. Ms. Kimbrough stated that the Building Codes Compilation and Web Addition project is included in the proposed budget and is funded through a special assessment for \$70,000. She explained that the Management Committee had requested that staff explore the impacts of deferring this project for one year. Ms. Kimbrough stated that it was determined that the lack of accessible information for building code standards, programs and policies increases costs due to additional time and redundant efforts, decreases compliance with the building code standards, and decreases efficiency for member agencies and the building industry on getting information on building codes. She stated that a workshop on the Building a Quality Regional Community project is scheduled for May 6th. Ms. Kimbrough advised that input from visits with 13 cities will be presented at the workshop. She said that the input from the member agency visits and the workshop will be discussed at the May 17th Executive Committee meeting. Ms. Kimbrough then stated that there were minor adjustments to line items for a net \$13,500 downward adjustment. This included a capital to non-capital reclassification of \$15,000. Chair Feldman-Kerr thanked Ms. Kimbrough for her report and asked members if they had questions.

Mayor Berman asked if response on the Building a Quality Regional Community project had been positive or negative. Mr. Smith stated that it was his understanding that the reviews were mixed on the project—some were very supportive and some desired a staged development approach. He stated that the economic development portion seems to be the strongest and most positive part of the project; whereas, the housing and commute shed portion does not seem to have as much support. Mr. Smith advised that if the Regional Council does not feel the project would add value, it would not move forward. Mayor Berman stated that it was his understanding that the project was still under review before a recommendation would be made. Mr. Smith replied that was correct and input was still being collected. Mr. Smith indicated that only one community had viewed the project negatively. Some say they want the project very much, some want more information, and some want to take it slowly, to see what it can produce.

Vice Chair Hawker asked the effect of the PM-10/PM-2.5 issue on CMAQ funding and how that would be handled in the budget. Mr. Smith stated that MAG receives approximately \$45 million per year, most of which is not in the budget. Some projects funded with CMAQ money, such as street sweepers, and rideshare and trip reduction programs that total approximately \$900,000 per year, are passed through. Mr. Smith advised that few positions can use CMAQ funds. He added that CMAQ funds have to be used for implementing projects and cannot be used for planning.

Ms. Kimbrough noted that the triennial certification of the budget conducted by FHWA and FTA will be conducted at the MAG offices on May 4th and 5th. She said that any comments from the certification will be brought to the May Regional Council meeting.

Chair Feldman-Kerr recognized public comment from Mr. Crowley, who stated that the maps in the 1995 Urban Atlas needed to be updated. Mr. Crowley expressed concern for MAG's policy to provide funding for meals for the Citizens Transportation Oversight Committee member. He said that each member agency is charged for a guest. When the cost is \$25, it is not free, and is therefore compensation. Mr. Crowley commented that the charge of CTOC in the original legislation was the review of RPTA and the freeways. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

10. Nominating Committee

Chair Feldman-Kerr announced the appointment of the five-member Regional Council Nominating Committee. The members of the Nominating Committee include Mayor Steve Berman, Chair, Mayor Boyd Dunn, Mayor Vinicio Alvarez, Mayor Lon McDermott, and Mayor Bryan Hackbarth. She stated that the appointments were not an easy decision and she wanted those who attend meetings to have input and be involved. Chair Feldman-Kerr stated that according to the nominating process, the past Chair of the Regional Council would serve as Chair of the Nominating Committee; however, the past Chair is not a current member and the other past Chairs have served before. Chair Feldman-Kerr stated that the Nominating Committee is required to provide a balanced slate of officers to the Regional Council for elections in June.

11. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mayor Shafer reported that she was very pleased that ADOT will be in her community doing landscape maintenance.

There being no further business, the meeting adjourned at 6:20 p.m.

Chair

Secretary